

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
August 30, 2007

The Commission met in open session, pursuant to notice, at 9:00 am,

Dale E. Klein, Chairman, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission (via TELECON)

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN G. BURNS, Acting General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

DISCLAIMER

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The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[9:00 a.m.]

PROCEEDINGS

CHAIRMAN KLEIN: Good morning. I understand we have matters for affirmation today. Any comments from the other Commissioners before we start?

COMMISSIONER JACZKO: No comment from me.

COMMISSIONER LYONS: No comment from me, sir.

CHAIRMAN KLEIN: Okay, well Madam Secretary, would you please proceed?

ANNETTE VIETTI-COOK: Yes. We have two items for affirmation. The first item is a final rule on 10 CFR Parts 30, 31, 32 and 150 exemptions from licensing general licenses and distribution of byproduct material licensing and reporting requirements. The Commission is being asked to act on a final rule amending 10 CFR Parts 30, 31, 32, and 150 governing the distribution of byproduct material. This final rule affects distributors of byproduct material to exempt persons, some general licensees, and some users of exempt products. The Commission has voted to approve the publication and implementation of this final rule, subject to the comments and changes noted in the attachment. Commissioner Jaczko, while approving the rule, disapproved of certain provisions within section 31.5 regarding transfers of byproduct material because he believes that authentication of transfers of devices that meet or exceed IAEA Code of Conduct Category 3 thresholds should be required for certain security reasons. Would you please affirm your votes in the room?

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Chairman, would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan had previously approved this final rule and had he been present he would have affirmed his prior vote. The second item is Southern Nuclear Operating Company Early Site Permit for Vogtle site certified question regarding conduct of mandatory hearing. The Commission is being asked to act on a Memorandum and Order responding to a certified question to the Commission from the Atomic Safety and Licensing Board on whether the Commission wanted the Licensing Board to conduct the Vogtle Early Site Permit mandatory hearing. The Commission has voted to approve a Memorandum and Order which affirms the Commission's original delegation to the Board and asks the Board to conduct the mandatory hearing in this proceeding, as originally planned. Would you please affirm your votes in the room?

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Chairman, would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

ANNETTE VIETTI-COOK: Once again, Commissioner McGaffigan had previously approved this order and had he been present he would have affirmed his prior vote. That's all I have, Chairman.

CHAIRMAN KLEIN: Thank you. Any other comments from my fellow Commissioners?

COMMISSIONER JACZKO: No.

COMMISSIONER LYONS: No.

CHAIRMAN KLEIN: Okay, the meeting is adjourned.

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session

(PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: August 30, 2007

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)